

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Paris Gianola-Bland, et al.,

No. CV-23-00569-PHX-JZB

10 Plaintiffs,

ORDER

11 v.

12 Ryan C Evans, et al.,

13 Defendants.

14
15 This matter was assigned to Magistrate Judge John Z. Boyle. (Doc. 2). On October
16 4, 2023, the Magistrate Judge filed a Report and Recommendation with this Court.¹ (Doc.
17 14). In the Report and Recommendation, the Magistrate Judge has recommended that this
18 case be dismissed without prejudice due to Plaintiff's failure to prosecute. To date, no

19
20 ¹ This case is assigned to a Magistrate Judge. However, not all parties have
21 consented to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court
22 pursuant to General Order 21-25, which states in relevant part:
23
24

When a United States Magistrate Judge to whom a civil action has been
assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be
appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)
due to incomplete status of election by the parties to consent or not consent
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and
Recommendation for the Chief United States District Judge or designee.

26 **IT IS FURTHER ORDERED** designating the following District Court
27 Judges to review and, if deemed suitable, to sign the order of dismissal on
my behalf:

28 Phoenix/Prescott: Senior United States District Judge Stephen M.
McNamee

1 objections have been filed.

2 **STANDARD OF REVIEW**

3 The Court “may accept, reject, or modify, in whole or in part, the findings or
4 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.
5 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the
6 service of a copy of the Magistrate’s recommendation within which to file specific
7 written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to
8 object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo*
9 review of the Magistrate Judge’s factual findings and waives all objections to those
10 findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). Failure to
11 object to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the
12 propriety of finding waiver of an issue on appeal.” Id.

13 **DISCUSSION**

14 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
15 Objections having been made by any party thereto, the Court hereby incorporates and
16 adopts the Magistrate Judge’s Report and Recommendation.

17 **CONCLUSION**

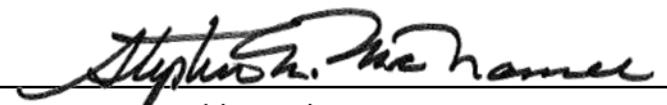
18 Accordingly, for the reasons set forth,

19 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
20 Judge. (Doc. 14).

21 **IT IS FURTHER ORDERED** dismissing without prejudice this matter.

22 **IT IS FURTHER ORDERED** directing the Clerk of the Court to terminate this
23 matter.

24 Dated this 18th day of October, 2023.

25
26 
27
28

Honorable Stephen M. McNamee
Senior United States District Judge